II. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,418,469 to Justice et al. ("Justice") in view of U.S. Patent No. 6,308,205 to Carcerano ("Carcerano").

Claims 1, 4, 5, 6, 9 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable by Justice in view of Carcerano.

A. Claim 1

On page 2 of the October 9, 2003 Office Action, the Examiner remarks that the phrase "at a time when a request is received" is not recited in the claims. Although Applicant has removed the terms "at a time" from the arguments, Applicant submits that the substance of the arguments remains the same as previously presented. For example, as recited in claim 1, "a status information obtaining part for, **when receiving a device-details screen request** containing identification information of a network device among said one or more network devices from a client device running a Web browser, **obtaining status information** stored in said status information storing part of the network device...". Therefore, claim 1 clearly recites that status information is obtained when a device-details screen request is received.

In further detail, claim 1 recites a management server having both a status information obtaining part and an information sending part. When the status information obtaining part receives a device-details screen request from a client device, it obtains status information stored in a status information storing part of a network device. In other words, the receipt of a device-details screen request triggers the event of obtaining status information stored in the network device, i.e. "when" receiving a device-details screen request (See, i.e., non-limiting embodiment

of pg. 8 of specification). The information sending part then sends information indicating any abnormalities of the network device, which was specified by the specifying part, to the client device that sent the device-details request.

The Examiner acknowledges that Justice fails to teach or suggest the above features, but contends that Carcerano does. However, Carcerano discloses that when a management system receives a request for status information about a network device from a web browser (or client device), the management system generates a response based on a database in the management system, rather than on information obtained from the specified network device when a request is received (col. 2, lines 16-20). Therefore, contrary to claim 1, the management system of Carcerano does not obtain status information from a status information storing part provided in the network device, "when" a request is received from a web browser (client device).

Stated in more detail, management system 109 repeatedly polls each network device in network 1 for configuration information (Fig. 5; col. 10, lines 65-67). Results of the polling operations are stored in database 105 of management system 109 (col. 11, lines 34-37). Therefore, database 105 continuously reflects the current status of network devices in network 1. Then, a requesting station, such as workstation 70 (client device), communicates with management system 109 to obtain status and configuration information of a network device (col. 11, lines 38-45). A response is generated from database 105 of management system 109, and communicated to workstation 70 via browser 83 (col. 11, lines 46-50).

In summary, management system 109 first obtains and stores information from a network device, then, when requested, it sends the information directly to a client device (workstation 70)

without referring back to the network device. On the contrary, in claim 1, a client device first requests information from the management server, the management server then communicates with a network device for the requested information, and reports back to the client device.

Accordingly, since Carcerano fails to cure the deficient teachings of Justice, Applicant submits that claim 1 is patentable over the cited references, and respectfully requests the Examiner to withdraw the rejection.

B. Claims 4 and 5

Since claims 4 and 5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 6, 9 and 12

Since claims 6, 9 and 12 contains features which are analogous to the features recited in claim 1, Applicant submits that such claims are patentable over the cited references for at least analogous reasons presented above.

III. Rejection Under 35 U.S.C. § 103(a) over Justice in view of Carcerano and further in view of U.S. Patent No. 6,360,255 to McCormack ("McCormack").

Claims 2-3, 7-8, 10-11 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatenable by Justice in view of Carcerano and further in view of McCormack.

A. Claims 2 and 3

The Examiner acknowledges that Justice and Carcerano fail to teach or suggest the features of claims 2 and 3, but contends that McCormack does. McCormack discloses the performance of automated upgrades (i.e. software upgrades) in network devices through a managed network (col. 2, lines 55-60). For example, a network management server 104 sends interface data to client 106 to provide customized views to allow user 150 to perform software upgrades on network devices 140a-140c in network 108 (Fig. 1A; col. 5, lines 7-11).

Such disclosure fails to teach a management server having both a status information obtaining part and an information sending part which receives a request from a client device, obtains status information stored in a status information storing part of a network device, and subsequently sends information containing names of image files associated with any abnormalities of the network device, to the client device that sent the request.

Further, the Examiner points to column 5, lines 26-30 as showing the features of claims 2 and 3. However, such portion of McCormack discloses that software image files are sent to the network management server 104 from the customer connector server 102, rather than from the network management server 104 to the customer connector server 102.

Accordingly, since McCormack fails to cure the deficient teachings of Justice and Carcerano, Applicant submits that claims 2 and 3 are patentable over the combination of the cited references.

In addition, Applicant submits that claims 2 and 3 are patentable over the cited references at least by virtue of their dependency on claim 1.

B. Claims 7 and 8

Since claims 7 and 8 contain features which are analogous to the features recited in claims 2 and 3, Applicant submits that claims 7 and 8 are patentable over the cited references for at least analogous reasons as presented above.

In addition, Applicant submits that claims 7 and 8 are patentable over the cited references at least by virtue of their dependency upon claim 6.

C. Claims 10 and 11

Since claims 10 and 11 contain features which are analogous to the features recited in claims 2 and 3, Applicant submits that claims 10 and 11 are patentable over the cited references for at least analogous reasons as presented above.

In addition, Applicant submits that claims 10 and 11 are patentable over the cited references at least by virtue of their dependency upon claim 9.

D. Claim 13

Since claim 13 contains features which are analogous to the features recited in claim 3, Applicant submits that claim 13 is patentable over the cited references for at least analogous reasons as presented above.

In addition, Applicant submits that claim 13 is patentable over the cited references at least by virtue of its dependency upon claim 12.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 9, 2004